

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Petition of US LEC Corp. for	)	
Declaratory Ruling Regarding	)	CC Docket No. 01-92
LEC Access Charges for	)	
CMRS Traffic	)	

**REPLY COMMENTS OF  
MINNESOTA INDEPENDENT COALITION**

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November 1, 2002

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The Minnesota Independent Coalition (“MIC”), a group of approximately 80 rural telephone companies<sup>1</sup> providing local exchange service in Minnesota, submits the following Reply Comments in the above-captioned proceeding.

The MIC urges the Commission to act expeditiously on the Petition brought by US LEC Corp. The Commission should not delay its ruling to consider or address extraneous issues. The Petition requests simply that the Commission confirm the right of incumbent local exchange carriers and competitive local exchange carriers (collectively referred to as “LECs”) to recover access charges from interexchange carriers (“IXCs”) that use LEC facilities for calls that originate from or terminate to the networks of commercial mobile radio service (“CMRS”) providers. The Commission should uphold this right, without delay, in order to avoid further financial risk to LECs caused by IXCs’ untenable refusal to pay LECs’ access charges.

Extraneous issues, such as those raised by the Rural Telecommunications Group in its Comments, do not need to be considered or resolved in this proceeding. Notwithstanding the

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<sup>1</sup> 47 U.S.C. § 153(37).

inexplicable statement by the Rural Telecommunications Group that, “[i]f any carrier in this scenario is deserving of the lion’s share of access, it is the CMRS carrier who originates or terminates the traffic”<sup>2</sup>, this issue need not, and should not, be addressed or decided in this proceeding. As the MIC noted in its Initial Comments, the question of IXC’s liability to pay access charges to CMRS providers is being decided in a separate, pending case.<sup>3</sup>

The question of whether or not CMRS providers should receive payments from IXCs for access to their networks, or under what theory of law such recovery should be permitted, is not germane to the right of LECs to be compensated by IXCs according to the terms of their tariffs. LECs’ right to compensation, and IXCs’ obligation to pay for access services provided by LECs, is well founded, and entirely independent of any comparable right to payment which CMRS providers may possess.

It is imperative that LECs receive compensation from IXCs for access services, without delay. For the reasons set forth above and in the MIC’s Initial Comments, the Commission should affirm the right of LECs to payment of access charges from IXCs, regardless of whether a call originates or terminates on the network of a CMRS provider.

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<sup>2</sup> Comments of the Rural Telecommunications Group, October 18, 2002, page 2.

<sup>3</sup>An IXC’s liability for payment of access charges to a CMRS provider, when a long-distance interexchange call originates or terminates on the network of the CMRS provider, is currently being reviewed in *AT&T Corp. v. Commission*, et al (App. Ct. DC Case No. 02-1221, July 9, 2002). The Commission also stated in the preceding Declaratory Ruling (*In the Matter of Sprint PCS and AT&T Corp. for a Declaratory Ruling Regarding CMRS Access Charges*, WT Docket NO. 01-316, July 3, 2002), that it would consider any prospective changes to its rules governing interconnection between CMRS providers and IXCs in its pending proceeding, *Developing a Unified Intercarrier Compensation Regime*, CC Docket No. 01-92, Notice of Proposed Rulemaking, 16 Commission Rcd 9610 (2001).

Dated: November 1, 2002.

Respectfully submitted,

MOSS & BARNETT  
A Professional Association

A handwritten signature in dark ink, reading "Richard J. Johnson". The signature is written in a cursive style with a horizontal line underneath it.

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## **CERTIFICATE OF SERVICE**

I, Kim R. Manney, do hereby certify that, on this 1st day of November, 2002, I have caused the foregoing "Reply Comments of Minnesota Independent Coalition" in CC Docket No. 01-92 to be filed electronically with the FCC by using its Electronic Comment Filing System, and copies of the Initial Comments were served by first-class U.S. mail, postage prepaid, on the following parties:

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/s/ Kim R. Manney

Kim R. Manney

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